

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

JOHN DOE,

Case No.:

Plaintiff,

Hon.

v.

**DEPARTMENT OF HOMELAND SECURITY,
and UNITED STATES CITIZENSHIP AND
IMMIGRATION SERVICES**

Defendants.

Marc A. Asch
The Law Office of Marc Asch
Attorneys for Plaintiff
137 N Park St., Ste. 201B
Kalamazoo, MI 49007
(617) 653-8184
Email: marc.a.asch@gmail.com

MOTION FOR PLAINT TO BE PERMITTED TO PROCEED UNDER A PSEUDONYM

Plaintiff moves the Court to be permitted to proceed under a pseudonym. The reason and basis for this motion is as follows:

1. Plaintiff is an asylum seeker from a country in west Africa and is filing this action under the Freedom of Information Act due to Defendants' withholding of information requested that he needs to substantiate a motion currently pending in Immigration Court. On information and belief, the government of Plaintiff's home country murdered his mother. Plaintiff has immediate family members that remain in his home country.
2. "The federal regulation at 8 CFR 208.6 generally prohibit the disclosure to third parties of information contained in or pertaining to asylum applications.... This regulation safeguards information that, if disclosed publicly, could subject the claimant to retaliatory

measures by government authorities or non-state actors in the event that the claimant is repatriated, or endanger the security of the claimant's family members who may still be residing in the country of origin.”¹

3. Filings in federal court are, unless sealed, accessible to anyone with a pacer account. Indeed, information about federal court filings are accessible to anyone with an internet connection through websites such as www.pacermonitor.com, www.scholar.google.com, www.justia.com, etc.
4. Disclosure of Plaintiff’s identity, whereabouts or the fact that he has applied for asylum in the United States could cause Plaintiff or his family to suffer violent retaliation in his home country. Threats of violence to a Plaintiff are an important factor for a federal court to consider in reviewing a motion to proceed under a pseudonym. *Doe v. Stegall*, 653 F.2d 180, 186 (5th Cir. 1981).
5. Plaintiff’s counsel, at the time he serves the summons and complaint, will also serve an un-redacted copy of the relevant FOIA request which contains Plaintiff’s full name, alien registration number, current address, date of birth and place of birth. As such, the use of a pseudonym will not prejudice Defendants’ ability to investigate Plaintiff’s complaint and file a responsive pleading. Additionally, Plaintiff’s counsel, at the time he serves the summons and complaint, will serve a copy of this motion.

WHEREFORE, Plaintiff moves the Court to allow him to proceed under a pseudonym.

¹<https://www.uscis.gov/sites/default/files/USCIS/Outreach/Notes%20from%20Previous%20Engagements/2012/December%202012/Asylum-ConfidentialityFactSheet.pdf> (Last accessed on April 16, 2019).

The Law Office of Marc Asch
Attorneys for Plaintiff

Dated: April 16, 2019

By: /s/ Marc A. Asch
Marc A. Asch

Business Address and Telephone:
137 N. Park St., Ste. 201B
Kalamazoo, MI 49007
(617) 653-8184